

Appl. No. 10/734,072
Response to 03/18/05 Notice of Non-Compliance
Atty. Dkt. MI40-369

REMARKS

The Office considers the response filed March 7, 2005 as failing to comply with 1.121.

In an Office Action of January 5, 2005, the Examiner had stated that the changes made by the Certificate of Correction of July 16, 2002 should be included in the reissue application without underlining or bracketing. In a response filed March 7, 2005, Applicants made the changes to those paragraphs with the corrections stated on the Certificate of Correction, without any bracketing or underlining indicating those changes (MPEP 1411.01). Applicants further included a substitute claims page including a revised claim 2 as also corrected by the Certificate of Correction.

This application is a reissue application. The Office has apparently failed to recognize that this is a reissue application.

37 CFR 1.121 does not apply to reissue applications as indicated in the first line of 37 CFR 1.121. 37 CFR 1.173 is the section that is relevant to amendments in reissue applications. The Amendment filed March 7, 2005, therefore fully complies with 37 CFR 1.173. Therefore, no re-submission is believed to be necessary.

If the Office continues to believe that the Amendment is non-compliant, the Office is requested to provide an example of how to make the changes of the

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Certificate of Correction in a reissue application, without any bracketing or underlining, in a claim that was in the original patent.

Because 37 CFR 1.121 does not apply, Applicants respectfully request that the application be passed on to an Examiner for further processing.

Respectfully submitted,

Dated:

March 23, 2005

By:



Deepak Malhotra
Reg. No. 33,560